

TRANSCRIPT OF PROCEEDINGS

UNITED STATES OF AMERICA

NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION

PUBLIC HEARING)
)
PROPOSED RULE FOR THE FIRST PHASE)
OF A US SEAFOOD TRACEABILITY PROGRAM)
)
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Convention and Exhibition Center
415 Summer Street
Boston, Massachusetts

Monday,
March 7, 2016

The above-entitled matter came on for a meeting,
pursuant to notice, at 11:11 a.m.

BEFORE:

JOHN HENDERSCHIEDT, Director
Office of International Affairs and
Seafood Inspection
NOAA Fisheries

LAUREL BRYANT, Chief of External Affairs
National Marine Fisheries Service

Heritage Reporting Corporation
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P R O C E E D I N G S

(11:11 a.m.)

MS. BRYANT: Thank you for taking time this morning. I'm Laurel Bryant. I'm Chief of External Affairs for the National Marine Fisheries Service. Today's public listening session is about the proposed rule on seafood import traceability. And with me today is John Henderschedt, Director of International Affairs and Seafood Inspection.

I want to kind of go over a little bit of the format this morning on what to expect and how to engage in this process, so let me read from my crafted notes here. Some of you have filled out an index card. What this allows me to do is kind of gauge the level of interest. We want to make certain that we hear from everybody that wants to make a comment. And this helps me kind of divide and gauge that time.

I'm going to do that with my iPhone. And at this point, we're pretty much going to cut it off at about two and a half minutes. So I would appreciate you just being prepared on that. And we'll do our best to make certain that we get everybody in.

If you didn't fill out one, that's okay. Liz and Sam are walking around with index cards. So, if you decide you want to make a comment, if you decide that you have a

1 clarifying question that you would like John to help you
2 understand, just raise your hand and Sam and Liz will bring
3 you a card. We need your name and we need your affiliation.

4 This is on the public record. And we have a
5 recorder that is recording everything. And this helps us
6 make certain that we have your appropriate spelling as well
7 as your affiliation.

8 With that said, I will state again these are
9 comments to us and clarifying questions. It's not in
10 response to comments yet. That legally has to take place
11 much later on down the chain. So I just wanted to have you
12 keep that in mind as you get your thoughts together.

13 And with that, I'm going to turn it over to John.
14 I'm going to be standing here. So pay no attention to me.
15 I'm just managing the PowerPoint. Or do you want to stand
16 here? Okay. Never mind.

17 MR. HENDERSCHIEDT: Good morning and thanks for
18 joining. And given the fact that we have limited time and
19 lots of folks here, I'm just going to jump right in. For
20 those of you who have listened to one or both of the
21 webinars that we have held, my apologies. You're going to
22 hear this presentation one more time. But we try to keep
23 that the standard.

24 So, first of all, some overview of this brief
25 presentation. I'm going to address the background and the

1 context of the proposed rule, a general description of the
2 proposed system, go through more specifically the data
3 elements that are required for reporting or recordkeeping
4 and then, next steps, how this process will continue
5 forward.

6 (PowerPoint presentation by Mr. Henderschedt.)

7 MR. HENDERSCHEDT: So thank you again for your
8 attendance, and I guess we'll get started.

9 MS. BRYANT: Thanks, John. And again, if you
10 didn't fill out a card, and the card is not for you to write
11 down your comments or your questions, it's simply to make
12 certain that we have your name and your affiliation so that
13 we have that accurately recorded. And if you decide that
14 you want to, just raise your hand. And make certain that
15 you speak clearly, give your name and affiliation and we'll
16 call on you.

17 I've got some cards here. And Sam has got --
18 who's got the microphone? Liz has the microphone.

19 And I'm going to call David Schorr. He was the
20 first one. David Schorr from World Wildlife Fund. David,
21 are you still in the room?

22 MR. SCHORR: I won the lottery. Thank you. Good
23 morning, everybody. My name is David Schorr. I'm Senior
24 Manager for the transparencies activities within WWF's
25 Global Smart Fishing Initiative. Thanks for this

1 opportunity to comment. WWF has participated in the two
2 previous listening sessions by telephone. We'll just extend
3 a couple of the remarks we made there in some more detail.

4 First, I'd just like to reiterate WWF's strong
5 support for this rule. We think that this will be a
6 watershed in U.S. policy with real global impact. And we
7 are deeply appreciative of the efforts from the U.S.
8 agencies to bring forward what we think is a rule that will
9 really change the fight against IUU for the better.

10 I'm going to just emphasize three themes today.
11 These are not necessarily the only themes that we will be
12 developing in our written comments.

13 First, WWF believes that the effectiveness of this
14 rule ultimately depends on the 15-day comprehensive. Making
15 it comprehensive is essential to fulfill the President's
16 call for comprehensive application. It's also essential for
17 making the rule effective. We think it's both necessary and
18 smart for the rule to become comprehensive in due course.
19 It's necessary, because if it's not comprehensive, it will
20 fail to send the right signals to IUU producers around the
21 world. IUU is ubiquitous and form-shifting. And everybody
22 who's involved in it needs to know that they can't sell in
23 the United States. It is necessary because, without
24 comprehensive coverage, there will be dangerous loopholes
25 and gaps in the regulation that will continue to allow IUU

1 in the U.S.

2 But it's also smart because comprehensive rules
3 will create predictability, streamlined process, and
4 economies of scale for the production base. So we are
5 counting on the coverage to have a fixed time line and a
6 process for its comprehensive coverage.

7 But that does not mean WWF is looking for
8 immediate application of the rule. We know that the rule
9 will take a lot of time for people to adjust to, and we
10 support a phase-in period.

11 Second, and related to comprehensive coverage, is
12 the question of delaying the application of the rule to
13 shrimp and abalone. Right now the rule calls for delayed
14 application, potentially delayed application for foreign
15 shrimp and foreign abalone because of conflicts between
16 state and local and federal regulations on these products.
17 We understand this is a complication, but we'd like to put
18 it in perspective.

19 There are only approximately 1700 pounds of shrimp
20 from domestic for production in the United States, compared
21 to 600,000 pounds that are imported every year. There are
22 four abalone farms and 20 shrimp farms, compared to the
23 thousands just outside of the United States.

24 We also believe that the information to be
25 obtained from these farms is easily obtainable. It's not a

1 heavy burden. So, if there is a problem with federal rules
2 and state rules, we think it should be fixed before the rule
3 goes into effect.

4 Finally, I'd like to talk about capacity building
5 and U.S. outreach. We understand that the burden of this
6 rule informally falls on the importer. So the importers
7 have the obligation of fulfilling the rule.

8 But the real fulfillment of the rule, the data
9 that needs to be provided is in the hands of the producers
10 and foreign governments. If the United States wants this
11 rule to work, it has to join Europe and mirror what Europe
12 did when its rule came online and make a significant
13 diplomatic training and foreign aid effort to help foreign
14 producers meet the needs of the new rule. And WWF looks
15 forward to working with the government in making that a
16 reality. Thank you very much.

17 MS. BRYANT: That was perfect, David. You just
18 ended right on time.

19 So next I have Julie with Ocean Outcomes.

20 MS. KUCHEPATOV: My question was answered. Thank
21 you.

22 MS. BRYANT: Oh, okay. Excellent.

23 Lisa Weddig, NFI. Lisa, are you still in the
24 room? Excellent.

25 MS. WEDDIG: I just have some clarifying

Comment [L1]: Check spelling

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1 questions. I know the proposed rule had a proposed record
2 retention period of five years, and I was just kind of
3 curious as to the rationale for five years. So that's one
4 question.

5 Another question has to do with the ASFIS number,
6 and I was just curious what the purpose of that number was.

7 Why are we requiring that or proposing to require that?

8 And then, on the elements that are being proposed
9 to be required, there are product descriptions and the name
10 of the product, and I'm just kind of curious as to what you
11 really mean by that. We have a lot of questions about that.

12 MS. BRYANT: Have you got that, John?

13 MR. HENDERSCHIEDT: Yes. Thanks very much, Lisa,
14 for your questions.

15 First of all, with respect to records retention,
16 the five years was adopted at the advice of the interagency
17 working group to be similar in length to records retentions
18 for other commodity records that are collected or will be
19 collected through ITDS. So there was a consideration of a
20 range. And five years is considered consistent with other
21 federal recordkeeping requirements.

22 With respect to the FAO number, Recommendation 10
23 assembled an interagency working group to look at species
24 names and HTS codes and identify improvements to the
25 application of those instruments to ensure effective

1 implementation of this rule. The recommendations of that
2 group included both use of the scientific name but also
3 using that very complete list that the FAO has developed as
4 a way of specifically identifying species that may otherwise
5 be less apparent through the HTS codes themselves.

6 Finally, with respect to product type and product
7 name, one obviously is maybe a trade name or essentially a
8 unique name to that product by importer or producer, whereas
9 the product type is intended to capture the general nature
10 of the product, be it whole round, filet, what have you.

11 NOAA would certainly welcome comments from the
12 public with respect to all of the questions that you asked
13 this morning. Thanks again for those questions.

14 MS. BRYANT: All right. The next card that I have
15 is Avery Sicilliano, Oceana.

16 MS. SICILLIANO: I'm Avery Sicilliano, Oceana.
17 We'd like to thank the National Ocean Council for their
18 commitment to stop IUU fishing and seafood fraud. And while
19 the proposed rule is a step forward in the right direction,
20 again, it's IUU fishing and seafood fraud that's missing
21 some critical elements.

22 While we understand the need for a phase-in
23 approach to seafood traceability, the final rule should
24 include a commitment and specific time line to expand to all
25 seafood.

1 Second, the final rule should include full chain
2 traceability. Seafood fraud can happen at any point in the
3 supply chain. And in order to speculate on fraud, it must
4 be comprehensive.

5 And then, third, we would like more consumer
6 information on sales so that seafood consumers and buyers
7 can vote before making poor decisions. Thank you.

8 MS. BRYANT: Thank you, Avery. If anybody else
9 wants to start getting in the queue, I'm running out of
10 cards here, so this is your time.

11 Next I have Reese Antley, Woods Fisheries.

12 MR. ANTLEY: Good morning. First, I do applaud
13 what you guys are doing, what you guys are pushing and what
14 this administration is doing here, because it is an issue
15 that has to be addressed.

16 First, I'm a shrimp guy, a domestic shrimp guy. I
17 have a domestic farm and we also do domestic wild. So we
18 have, you know, knowledge of all of this. And we see the
19 shrimp as being an adverse species. However, this just echo
20 some of the other comments. If you delay shrimp aquaculture
21 being included in this, then you're basically -- shrimp is a
22 non at risk species at that point, and the at risk comes at
23 an aquaculture level.

24 You're also missing on the aquaculture side the at
25 risk species while they -- you know, as consumed wild

1 products, it's not looking into what's going in to make or
2 what it is to feed these shrimp. So a lot of the IUU issues
3 comes from feed meal, comes from the meal that's made to
4 feed these fish or shrimp.

5 So, if you're not addressing those species right
6 off the bat, then again, you're not addressing anything to
7 do with shrimp aquaculture as far as IUU issues. So the
8 rule to me had to be expanded on how supportive of the rule.
9 And the domestic shrimp industry as a whole is supportive of
10 the rule. You can see the data that we've provided already.

11 But these things have to be addressed within this
12 rule, or it's really not doing anything on the shrimp side.
13 The shrimp is then a not at risk species.

14 MS. BRYANT: Thank you, ~~Reese~~.

15 Oh, I am just going to let folks know that I think
16 we're running at about three minutes per comment right now.
17 But I'm also going to give people like a 30-second wrap-up
18 if you're looking like you're getting a little too close,
19 because I think we're going to start getting more questions.

20 The next one I have is Jonathan Eddy from Beacon
21 Fisheries. Jonathan, where are you? There you are.

22 MR. EDDY: Hi, everybody. Thank you. I think all
23 of us and us at Beacon Fisheries especially are very excited
24 to see a focus on further combatting IUU fishing. In
25 particular, I had two clarifying questions and/or comments

1 here. The first one is regarding the concept of an at risk
2 product based approach. Basically, it would seem like a lot
3 of IUU fishing occurs at regional levels. So was there much
4 consideration given to a more regional approach as opposed
5 to just a product base? Because a lot of times you would
6 think that products may be largely at risk in one part of
7 the world and largely not at risk in others.

8 The other question that we have is regarding
9 consideration for the artisanal fleet. We deal with a lot
10 of products that are artisanally produced. So two examples
11 may be a crabmeat, a can of pasteurized crabmeat that may be
12 produced from a lot of little skiffs or even canoes that go
13 and capture the crabs. And so to trace kind of a production
14 zone is very easy, but to actually trace that can back to an
15 actual "vessel" could be very difficult when those vessels
16 are -- that are considered artisanal.

17 And there are other examples as well. For
18 example, perhaps a box of mahi portions or something like
19 that where a vessel may produce different size of products
20 or even several different species. They may come back with
21 40 or 50 pounds. It then has to be further processed.

22 So, as an importer, to take all that hodgepodge of
23 product and put it in boxes, you're going to have a box at
24 the regional level or at a restaurant that may include
25 product from a lot of different "vessels". So it would just

1 be -- I know that's getting kind of deep into it, but just a
2 comment and/or clarifying question for that.

3 MS. BRYANT: Thank you, Jonathan.

4 MR. HENDERSCHIEDT: Thank you, Jonathan, for your
5 questions.

6 First, with respect to at risk, this, as I
7 mentioned, is focused specifically on imports, which means
8 that all of the U.S.'s obligations and all of our
9 international trade obligations come to bear on design and
10 implementation of this proposed rule. And so it is designed
11 to level, with respect to region, with respect to species,
12 in a way that we believe is compliant with those
13 international trade obligations. So the action plan that I
14 described was very specific, for instance, of the
15 identification of at risk species and the scope of the
16 proposed rule.

17 With respect to your second question, I do want to
18 clarify that the rule does not require the association of a
19 specific product unit in an import with a specific vessel.
20 So, for instance, to the extent that there is aggregation of
21 product from harvest sources, from processing sources into a
22 shipment, that would require all the associated
23 documentation. But the proposed rule does not suggest that
24 there needs to be a sort of unit-by-unit association with
25 those vessels.

1 Beyond that, with respect to the artisanal fleet,
2 I would recommend or ask for comments that you and others,
3 the public may have with respect to how the proposed rule
4 will impact those fleets and your other comments with
5 respect to implementation of this rule in artisanal
6 fisheries.

7 MS. BRYANT: All right. Next question, I'm going
8 to apologize to the Ambassador for publicly mispronouncing
9 his name. **Gehr Hodray?** The Ambassador to Iceland. There
10 you are. Thank you.

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11 **AMBASSADOR HODRAY:** Not even close.

Comment [L2]: Correct spelling

12 MS. BRYANT: At least I did the disclosure up
13 front.

Formatted: Highlight

14 AMBASSADOR HODRAY: Well, thank you for trying.
15 My name is Gehr Hodray. I am the Icelandic Ambassador.
16 Thank you for providing this opportunity.

17 My government thinks the U.S. effort to combat IUU
18 fisheries is laudable and we support it. However, we have a
19 problem with some of the classifications that you have
20 listed here today, particularly listing Atlantic cod as an
21 at risk species. I'd like to put on the record the
22 question, where is the evidence for this? Can we see it?

23 To us, this is a very serious accusation. We live
24 off the Atlantic cod basically. It's our most important
25 specie in our fisheries-based economy. And having somebody

1 tell us that our most important specie is at risk for
2 essentially pirate fisheries is a very serious thing to say.

3 It can have massive implications and all kinds of
4 reputational implications that we are all aware of. So
5 where's the evidence?

6 And the other thing I'd like to ask is, relates to
7 the question that was already asked by somebody else. If
8 you're not applying these rules to your own domestic
9 producers, how does that square with the nondiscrimination
10 rules of the WKO (phonetic)? That's my other question.
11 Thank you.

12 MR. HENDERSCHIEDT: Thank you, Ambassador, for your
13 questions.

14 With respect to your first question regarding the
15 list of at risk species, the information that was used by
16 the interagency working group was government data, largely
17 enforcement and prosecution data, certainly data that we
18 cannot publish. I will refer you to the October publication
19 of the list of at risk species. It includes summary text
20 that describes the reasons for including the species on that
21 list.

22 I will also note that in implementing this rule,
23 we are again obligated to do so in a manner that is
24 consistent with our international trade obligations, which
25 means that there are numerous instances in which there may

1 be differing levels of enforcement, differing levels of risk
2 to a species of IUU fishing or fraud throughout its
3 geographical range. But, given our obligation to treat all
4 of our international trading partners in an equivalent
5 manner, we're not in a position to identify specific nations
6 or regions to which this rule would apply.

7 And then, with respect to the domestic fisheries,
8 we believe that this rule is compliant with national
9 treatment. We have done a careful evaluation of our access
10 to domestic fisheries data. We have identified the harvest
11 to entry into U.S. commerce for those purposes as just that,
12 harvest to the point of first landing. Through various
13 state and federal programs, NOAA has access to those fishery
14 data for all the species to which this rule applies.

15 Thank you again for your questions.

16 MS. BRYANT: Next we have Adriana Sanchez, Sea
17 Delight.

18 MS. SANCHEZ: I guess what I have is a clarifying
19 question, maybe a small comment. Who's going to be
20 verifying the data that we're entering? Because we're going
21 to be -- with these orders, we're going to collect the data
22 from our vendors. But who's going to verify that? Does it
23 fall on our responsibility as well to verify the data, or do
24 you have a system in place to verify that data that's being
25 entered?

1 And then the comment would be, following Jonathan
2 from Beacon Fisheries, I have concerns about this proposal
3 not having provisions for small-scale fishing. We will be
4 providing comments in our remarks to that. So I won't
5 occupy any more of your time today. Thank you again.

6 MS. BRYANT: Thank you, Adriana.

7 MR. HENDERSCHIEDT: With respect to verification of
8 data, NOAA will have access to the data. We'll conduct
9 audits and verification processes. In the event that
10 nonconformity is identified, we will then consider that an
11 enforcement question. But it will be essentially through an
12 audit and verification process. Thanks for your question.

13 MS. BRYANT: Next I have Eva Berman, E&R
14 International Seafood.

15 MS. BERMAN: Eva Berman, President of E&R
16 International Seafood and a sponsor. I'm Eva Berman,
17 President of E&R International Seafood.

18 And as Jonathan and Adriana have addressed, how do
19 you expect the packers that have 400 skiffs bringing their
20 product into the plant, process it and keep a record of the
21 name of each skiff. I'm very much in favor of
22 underreporting the problem, illegal fishing. But I am
23 talking about legal fishing. I'm talking about the country
24 of Mexico, who have very expensive fishery in the gulf.
25 They could use genuine red grouper, black grouper and other

1 species. How can they keep track of what you're requesting?

2 MS. BRYANT: Thank you, Eva.

3 MR. HENDERSCHIEDT: So, to clarify, the proposed
4 rule does not make distinctions in vessel types or modes of
5 fishery. And the agency welcomes comments with respect to
6 implementation for small vessels and any other vessel types
7 that the public feels requires that sort of consideration.
8 Thank you for your comment.

9 MS. BRYANT: Mike Kraft, Bumble Bee.

10 MR. KRAFT: Good morning. Thanks. We'll also be
11 submitting written comments as well and questions,
12 clarifying questions, but I have a few here today.

13 And this is in context of, I just saw the guidance
14 on the message sets. I don't know if that -- I haven't
15 reviewed it thoroughly. I don't think that was posted with
16 the original rule, got added a little bit later. So I
17 apologize if the answers to these questions are in there.
18 But specifically, with respect to what constitutes an
19 evidence of authorization, I think, with fish. I think, in
20 some cases, it's probably clear, an RFMO registration number
21 or something like that. But, again, kind of back to the
22 artisanal side of it.

23 In many of these countries, these vessels aren't
24 even required to register per local and national law. What
25 would be that burden of proof as far as evidence of

1 authorization to fish? And it's challenging, again, I think
2 to echo some of the comments with respect to this could end
3 up having a consequence on small-scale artisanal fisheries
4 or a barrier that's hard for them to be able to collect the
5 name, some sort of number, that sort of thing.

6 The second clarifying question with respect to
7 reporting is, area of wild capture. Is that going to be a
8 free-form field? I think, in some cases, it's clear there
9 may be nation zones. There could be an RFMO area. And
10 also, our understanding, which we applaud, is that this
11 entry process is going to also count for -- take care of the
12 requirements for tuna tracking and verification programs.
13 And NOAA Form 370 has different ocean area descriptions,
14 even from an FAO number, you know, I think it's called
15 Western Pacific, Eastern Pacific, it's very specific to that
16 form. And so we just want to make sure that whatever that
17 is, that it does indeed -- that description captures those
18 requirements of the tuna tracking and verification program.

19 Thanks.

20 MR. HENDERSCHIEDT: Mike, thank you for your
21 questions. And I will start my response just by reiterating
22 NOAA's desire to receive comments on these issues to form
23 our development of a final rule.

24 And with respect to authorization to catch, and
25 I'll tackle the area of harvest as well, in developing this

1 proposed rule, NOAA and its partner agencies felt that it
2 was important to mitigate the burden on industry by
3 developing as flexible an approach to identifying these data
4 as possible. That is a concern that, the more descriptive
5 the data, particularly in situations where it may not
6 perfectly match a regional practice, may create additional
7 challenges for implementation.

8 So, with respect to authorization to catch, what
9 is envisioned is a permit number, some sort of documentary
10 evidence that a vessel is allowed to lawfully fish in an
11 area. And, again, we welcome your comments on the
12 applicability of that data element.

13 Again, with the area of harvest, even within the
14 U.S., we know that in our domestic fisheries areas are
15 reported in different regions at a variety of levels of
16 specificity. We recognize that the same is the case
17 internationally.

18 We welcome your comments on how we can be more
19 specific. Again, the agency and its partners are attempting
20 to develop a program that is also flexible in various
21 regions. So thank you for your questions, Mike.

22 MS. BRYANT: I'm down to my last one. So, if
23 anybody has any burning thoughts out there, please start
24 thinking about teeing up.

25 David Krebs?

1 MR. KREBBS: Good morning. My name is David
2 Krebbs, Ariel Seafoods in the Gulf of Mexico, in Destin,
3 Florida. So we're very excited about the government moving
4 forward with traceability. And my comment is, I think, one
5 of the crux of the entire program is the trust that has been
6 there for -- however you're going to do that. Because
7 that's the missing link. The missing link about
8 traceability is, once a fish enters the pipeline, what keeps
9 it from becoming adulterated with maybe fish that came in at
10 the same time through another channel. So we can have
11 fishes of one species that's traced and one fish that's not,
12 but it all gets mixed together. So I think the trusted
13 vendor is a huge part of the overall program.

14 And from the red snapper perspective of which
15 we're involved, I would say that the United States has the
16 most stringent regulations on the fishing industry. And I
17 think for us, to be able to sell our fish, when we're told
18 by NGOs in the past that red snapper globally was overfished
19 and so is a number of white fish in our country, that's the
20 reason I would want to move forward with the traceability
21 and have other countries step up to meet those same
22 requirements. And if your fishery is solid, there shouldn't
23 be any restrictions.

24 But I appreciate everything the government's doing
25 and I look forward to the process. Thank you.

1 MS. BRYANT: Thanks, David.

2 And are there other comments or questions? Maybe
3 we can just have you raise your hand. And if you would,
4 there is somebody back there, Liz. And just make certain
5 that you say your name and affiliation again.

6 MS. SANCHEZ: Hello again. Hi, I am Adriana
7 Sanchez, Sea Delight. I have a follow-up question to the
8 verifying data. What happens if you verify data and you
9 find issues with the data? Who gets penalized? Is there
10 going to be a penalization system? Am I going to get
11 penalized because my vendor is providing me with incorrect
12 data? Or how is that going to be addressed? Are you guys
13 just going to be, well, we need to address these issues or,
14 you know, fees?

15 MR. HENDERSCHIEDT: So the answer to that question
16 I think has a broader scope than I could certainly address.
17 I mean, that would depend on what exactly the infraction
18 was. I note that the rule is being promulgated under a
19 provision of the Magnuson Act. That is laid out in the
20 preamble to the proposed rule, and I would call your
21 attention to the breadth of that authority.

22 And so I can't, in answering your questions,
23 pre-suppose what enforcement issue might be discovered or
24 addressed through an audit, and so, I apologize, but I
25 cannot give you any more of a direct answer to that

1 question.

2 MS. BRYANT: Next?

3 MR. ANTLEY: Just one more comment. Reese from
4 Woods Fisheries. As far as the data being available, from
5 what I understand, it is not available to the public at any
6 point in time, any of the information. To me, that's a lack
7 of accountability, especially to the U.S. people. I think
8 it really needs -- something needs to be available. Whether
9 it's red flagged, some type of data needs to be available
10 and made public so that the consumer could see that.

11 MS. BRYANT: Next question? Comment? We've got a
12 whole hour. Anybody? Okay. Good.

13 MS. KUCHEPATOV: Hi, Julie from Ocean Outcomes.
14 I'm curious about harmonization between documentation
15 requirements with the TPP and this --

16 MR. HENDERSCHIEDT: I didn't catch all of your
17 question. I heard --

18 MS. KUCHEPATOV: About the harmonization of
19 documentation requirements with the TPP, Trans-Pacific
20 Partnership.

21 MR. HENDERSCHIEDT: I note that, not sure which
22 documentation requirements --

23 MS. KUCHEPATOV: Well, the documentation and all
24 the requirements that TPP imports seafood into the U.S.
25 Will there be some sort of harmonization between what they

1 need -- what the TPP is requiring and what this is
2 requiring? Is there some sort of standard? Or is it just
3 all over the board?

4 MR. HENDERSCHIEDT: So your question really has
5 more to do with how the use of ITDS is implemented.
6 Certainly, from a legal perspective, there's no
7 intersection. This is being promulgated under the Magnuson
8 Act authority, and I'm not aware of TPP implications with
9 respect to Magnuson implementation.

10 At present, ITDS is being implemented on an
11 agency-by-agency level, which means that we are able to
12 harmonize our need for data across regulatory requirements
13 by HTS code, meaning if regulation 1 requires data elements
14 A, B and C and regulation 2 requires B, C and D, we are able
15 to ask for each one of those just once for a particular HTS
16 code. To my knowledge, however, ITDS does not presently
17 have the ability to exchange information across various
18 agencies' message sets. And I'd be happy to look into that
19 more closely.

20 I'm not sure which agencies will be collecting
21 additional seafood import information at point of entry
22 under TPP requirements, but it would require that those
23 message sets be interoperable, and I do not know that they
24 are.

25 MS. BRYANT: A question over here, Liz.

1 MS. WING: Hi, Kate Wing with Kate Wing
2 Consulting. And I wanted to follow up on that in terms of
3 how the ITDS system will be used to provide or supplement
4 NOAA's ongoing provision of import/export data. NOAA does
5 provide import/export data now through your publicly
6 accessible portal. And will that portal be improved? Will
7 there be new potential data streams aggregated through the
8 ITDS? Or is ITDS really going only to be a window for
9 individual requests through NOAA and not used to supplement
10 any of the current public data, trade data systems that NOAA
11 currently provides?

12 MR. HENDERSCHIEDT: Thank you for your question,
13 Kate. And I am not an ITDS expert. And I'll give you as
14 much of an answer as I can. I would encourage followup then
15 with our science and technology office.

16 The short answer to your question is that there is
17 no automatic and direct link between ITDS and our current
18 data sources. That link is not precluded, but it does not
19 exist. It would need to be built. We are looking at the
20 costs and the cost benefit of doing that.

21 I should add that the automated commercial
22 environment within which ITDS is implemented is an extremely
23 secure data environment, and so access to those data for
24 other purposes is not necessarily straightforward for those
25 reasons.

1 So, again, I would encourage followup with our
2 office of science and technology. Thanks for your question,
3 Kate.

4 MS. BRYANT: Another question? Mike?

5 MR. KRAFT: Just a quick one. You mentioned
6 comments to the trusted trader program. Is your request for
7 comments on the trusted trader program going to be embedded
8 in the traceability comments, or is that going to be
9 actually a separate request?

10 MR. HENDERSCHIEDT: Thanks for your question, Mike.

11 We welcome comments to this proposed rule on any and all
12 elements which include the trusted trader program. However,
13 there will be a separate *Federal Register* notice which
14 addresses more specifically potential directions, elements
15 in a trusted trader program. Again, we do not anticipate
16 publishing essentially a draft program but instead a request
17 for comments upon which we could work further in the
18 development of that program. Thanks for your question.

19 MS. BRYANT: Thanks, Mike.

20 Other questions? Comments? Please? Tobias back
21 there and then David Schorr up here.

22 MR. GLIDDEN: Tobias Glidden, County Commissioner
23 from Nantucket. I would just like to state I think it is
24 very important that we include as many species as possible
25 as quickly as possible in this new code and regulation. As

1 a second generation fishmonger, you see one fishery fall out
2 of choice or deal with fish and move on to another one. And
3 if we don't address all fish species, we continue to see one
4 after another decline. And I'd request that all species be
5 added in and make this as comprehensive as possible. Thank
6 you.

7 MS. BRYANT: I think the next one is David.

8 MR. SCHORR: Thanks. A followup question about
9 the data harmonization with the TPP issue. John, I think
10 you addressed it as the type of question around ITDS. But,
11 to our understanding, TPP itself does not have any specific
12 optimizational requirements in it. But we do know that
13 other systems, including the EU system and a number of
14 export systems that are out there, do have documentation
15 requirements that could overlap. And people who are
16 exporting, particularly in multiple jurisdictions, could
17 face different information requests. What are you guys
18 doing to work internationally to try to ensure that folks
19 who are trying to export legitimate product face
20 inconsistent information demands from different importing
21 records?

22 MR. HENDERSCHIEDT: To answer your question, David,
23 NOAA and its partners, its agents partners, have an ongoing
24 discussion with the EU, with their team that is working on
25 some of the very same issues. Clearly, there are

1 differences in the design of the EU's catch certification
2 program and this proposed rule.

3 I would note, however, that the data elements that
4 the EU is interested in align very closely to those that are
5 proposed in this rule, and I again note that the source of
6 these data for our reporting requirements is very flexible.

7 And so, in cases where fisheries nations are
8 already generating those data, there's considerable overlap
9 in those elements. Thank you for your question, David.

10 MS. BRYANT: Other questions? Comments? Oh, come
11 on, I know there's a lot of opinions in this room.

12 Do you have any further remarks?

13 MR. HENDERSCHIEDT: I would just like to thank all
14 of you for attending, for your participation. Again, we
15 encourage comments in as detailed a manner as you care to
16 provide. We really are looking for guidance in developing a
17 final rule and look forward to your participation and
18 assistance. Thanks very much.

19 MS. BRYANT: And I will just point out that, as I
20 said at the top of the hour, all of the information to be
21 able to access not only the proposed rule but also to be
22 able to access the interface to submit your comments
23 publicly through the *Federal Register* notice can all be
24 accessed through the web portal as well. So we look forward
25 to receiving them. Thank you, everybody, for coming.

1 (Whereupon, at 12:08 p.m., the meeting in the
2 above-entitled matter concluded.)

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CERTIFICATE OF TRANSCRIBER

This is to certify that the attached proceedings
in the Matter of:

Proposed Rule for the First Phase)
of a US Seafood Traceability Program)

Place: Boston, Massachusetts

Date: March 7, 2016

were held as herein appears, and that this is the true,
accurate and complete transcript prepared from the notes
and/or recordings of the above entitled proceeding.

OFFICIAL REPORTER (Signature)
MaryAnn Rooney